

**Decision Session - Executive Member for
Transport and Planning**

19th October 2017

Report of the Corporate Director of Economy and Place

BT Public Payphone Removal Consultation

Summary

1. This report is to inform the Executive Member for Transport and Planning of a formal consultation by British Telecom (BT) to the Council and the wider local community on its intentions to remove 1no public payphone, including the box at a site adjacent to no.90 Clifton, to the south east of Clifton Green.
2. The purpose of this report is to seek a resolution on the removal of this payphone with the further option to delegate the final decision to the Assistant Director of Economy and Place to consider any objections received as part of the 2nd notification process which informs the local community of the draft decision, and as detailed in point iii in paragraph 3 below. This forms part of the time restrictive Office of Communications (Ofcom) process for the removal of payphones.

Recommendations

3. It is recommended that the Executive Member for Transport and Planning approve a resolution in accordance with point i below as a notification to BT in relation to the Council's position on the removal of this payphone and, if necessary, that delegated authority be given to the Assistant Director of Economy and Place in accordance with point ii.
 - i) To object or not object to the removal of this payphone.
 - ii) If new objections are received during the 2nd stage of the notification/consultation process to the removal of this PCB (Public Call Box) if the resolution was originally for there to be No objections, the Assistant Director of Economy and Place be delegated to formally object to B.T in order to comply with the agreed timescale of the formal consultation

process. These new objections then be considered by the Executive Member for Transport and Planning at the next available Executive Member decision session.

Reason: To comply with Ofcom procedural and timescale guidelines on such applications.

Background

4. The Council have been notified by BT of their intention to remove this PCB (Public Call Box) and payphone. This has come about following a request to BT by City of York Council as the kiosk is positioned in the way of proposed development works to be undertaken at the nearby pedestrian crossing. BT have subsequently completed an assessment of the area, and the need for a payphone at this location. They have taken into account that the payphone in question has received low use during the last twelve months and as a result they are proposing to remove the kiosk from its current location and they do not intend to replace it. Records provided by BT show that 25 calls have been made from this kiosk in the last 12 months preceding the submission of this application. The nearest alternative kiosk is on Bootham near Grosvenor Terrace which is 570 metres away.
5. In accordance with BT timeframes and Ofcom guidelines, the Council is required to provide a final decision on the removal of the payphone. These should then be notified to BT.
6. According to BT correspondence received with a previous application for the removal of payphones throughout the city, the overall use of payphones has declined by 90% in the last decade and the need to provide payphones for use in emergency situations is diminishing all the time. If a payphone or PCB is only being used for a low number of calls, this may support the case to remove it. As long as there is network coverage, it is now possible to call the emergency services, even where there is no credit on that phone or no coverage in that area from your own mobile phone provider.
7. Set out below are some of the important factors which might be assessed when considering a proposal for the complete removal of a public payphone as identified in the document titled 'Guidance on procedures for the removal of public call boxes' which supports the 2005 Ofcom review. Points which may be relevant to the decision include:

Housing type in the area – Consideration should be given to whether the area within the same postcode as the payphone to be removed is predominantly owner-occupied, privately rented or Council housing. The more owner occupied housing in the area the more likely it is that people living in the area would have access to mobile and fixed telephones. If there is predominantly private rented or council housing in the area, this may suggest people on a lower income without access to mobile and fixed telephones and support the view that a payphone should be retained.

Number of households in the area - There may be concerns about alternative access to telephone services for low population densities. The Council may determine the number of households within the same postcode as a payphone. The number of households within 400 metres of a payphone could be seen as the catchment area for that payphone. The number of households in the area would not however include any passing traffic or reflect that a payphone might be situated on a main road or busy terminus.

Payphone revenue - This can help measure payphone usage and could be an indicator of its value to the community. The lower the annual revenue that a payphone generates could be grounds for its removal.

Emergency calls - Many people feel reassured that phone boxes are available if there's an emergency. This can range from 999 calls to being able to call for help if your car breaks down. The local organisation needs to think about whether a particular phone box is more likely to be used for emergency calls than another. If, for example, the call box is near a known accident blackspot, it may strengthen the argument for it to be kept.

Mobile phone coverage - While a large proportion of adults now personally use a mobile phone, people often cite poor, sporadic or the lack of mobile network coverage at a location as being an important factor for retaining a payphone.

8. The guidance goes onto say that the 'Relevant Public Body (in this case, the Council) should consider the responses to the consultation, if any, received within the stipulated period, and including responses from members of the public received by them

within the 42 days period after the payphone notice was first displayed on the PCB. In deciding whether to consent or object to the proposal, the Relevant Public Body must be satisfied that its decision is:

- Objectively justifiable in relation to the networks, services, facilities, apparatus or directories to which it relates;
- Not such as to discriminate unduly against particular persons or against a particular description of persons;
- Proportionate to what it is intended to achieve; and
- In relation to what it is intended to achieve, transparent.

Consultation, Assessment and Recommendation.

9. Correspondence was initially received from BT on the 14th July which began a 90 day consultation process. It has been requested that the closing date for this consultation process be slightly extended to account for this decision session and the 2nd stage of the notification process which follows this initial draft decision notification stage, in accordance with Ofcom guidance.
10. BT placed a consultation site notice in the relevant payphone. This invited anybody who had any comments to contact the Local Planning Authority within 42 days.
11. BT also asked the Council to initiate a consultation exercise to seek the views of the local community. The Council have consulted the relevant local planning panel and invited them to comment accordingly. The options available to them are to either object or not object to the removal of the payphone, or potentially agree to the removal of the payphone inside, but adopt the box. The consultation process also provides the local community the opportunity to adopt a traditional red 'heritage' phone box and make them an asset that local people can enjoy although this kiosk is not a heritage box. It costs just £1. More details are available at <http://business.bt.com/phone-services/payphone-services/adopt-a-kiosk/>.

In this case, the Clifton Ward Planning Panel have not objected to the removal of the payphone, commenting as follows; 'It is sad to lose a community facility but difficult to argue for its replacement, given the little use made of the existing payphone'. No other comments/objections have been received.

The payphone in question is a modern style glass kiosk and is not a heritage style red phone box. Although the location of the kiosk is in a Conservation area, it is not considered that there are any heritage/historic streetscene issues associated with the removal of this payphone/kiosk and it does not contribute to the setting of the Conservation area.

Recommendation: No objections to the removal of this Payphone.

12. In accordance with BT's timeframe and Ofcom guidelines, the Council is required to publish a draft decision for the removal of a payphone/PCB. The recommendation is therefore submitted to the Executive Member to take a view on a draft decision for this

payphone. The Council must then allow a minimum of one month for further feedback from local communities before publishing a final decision on the removal, which must be notified to BT. If another formal Executive meeting had to be held to make a final decision, then this would delay the decision making timeframe outside of the Ofcom guidelines. Therefore, in the event of objections being received at this 2nd stage, it is recommended that the Council's final decision be made as suggested in paragraph 3 above.

13. If the local organisation (the Council) writes to BT within 90 days to object (or other agreed extended deadline as agreed with BT), setting out their reasons, BT cannot remove the call box. This is known as the 'local veto'. The case would then be considered by the Competition Appeals Tribunal.

Options

14. Options for the Executive member are to either agree or disagree with the officer recommendation on the removal of the payphone and kiosk, taking into account the consultation responses received and the main factors which can form the final notification as outlined in paragraphs 7 and 8 above.

Analysis

15. It is considered that providing the decision has considered the relevant factors identified, there is not thought to be any specific advantages or disadvantages to either option. If the Council object to the removal of a payphone within the stated timescale, then the payphone cannot be removed except following the appeal process referred to in paragraph 13 above. If the Council do not object to the removal of the payphone following the consultation process, it will be down to BT to decide if and when the payphone is then removed.

Council Plan

16. The consideration of the removal of payphone contributes to the following priorities and objectives;
 - Residents are protected from harm and vulnerable people feel safe.

- That we always consider the implications of our decisions, including in relation to health, communities and equalities.
- Use of evidenced based decision making.
- Engage with communities, listening to their views and taking them into account.
- Focus on the delivery of frontline services for residents and the protection of frontline services.

Implications.

17. **Financial** – There are no financial implications.
- **Human Resources (HR)** – There are no Human Resource implications.
 - **Equalities** – As covered within Executive Report at Section 3.4 with particular regard to Housing type within particular areas.
 - **Legal** – There are no legal implications.
 - **Crime and Disorder** – The removal of PCB's may reduce incidents of disorder or anti-social behaviour within and around the boxes.
 - **Information Technology (IT)** – There are no Information Technology implications.
 - **Property** – There are no Property implications.
 - **Other** – None.

Risk Management

18. In compliance with the Council's risk management strategy, there are no known risks associated with the recommendations in this report. The Council are part of a wider Community Consultation scheme.

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Report
Approved

Date

Neil Ferris
Corporate Director – Economy & Place

Report
Approved

06.10.17

Wards Affected: Clifton.

All

For further information please contact the author of the report

Background Papers:

'Guidance on procedures for the removal of public call boxes' – Ofcom.

'Removing Public Call Boxes – Plain English Summary – Ofcom'.

'Adopt a Kiosk' – <http://business.bt.com/phone-services/payphone-services/adopt-a-kiosk/>